IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR.

ORDER

Suresh Modi and ors. Vs. State

SB CRIMINAL MISC.PETITION NO.1203/2005
Under Section 482 Cr.P.C.

Date of Order: 15/11/2006.

PRESENT
HON'BLE MR.JUSTICE HARBANS LAL

None present for the petitioners.
Mr. Arun Sharma P.P. for the State.

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BY THE COURT:-

This petition under Section 482 Cr.P.C. is directed against the order dated 17/5/2004 of the learned Additional Civil Judge (Jr.Div.)-cum-Judicial Magistrate Ist Class No.23, Jaipur City, Jaipur in Cr.Case No.740/2003. Learned Magistrate has by the aforesaid order directed issuance of recovery warrants against Smt.Shanti and Laxmi.

2) Brief facts are that during the course of trial in the aforesaid case cross-examination of Shanti Devi was allowed to be made on 13/5/2004 on condition that the cost would be deposited positively on the next day. The cross-examination of Laxmi Devi was also closed and on an application under Section 311 Cr.P.C. her cross-examination was permitted to be allowed on a cost of Rs.500/- but the aforesaid cost was not paid as a result of which the aforesaid order was passed. The said order is under challenge in this petition which is pending since 2005.

3) When this case was called for admission, no one has put in appearance on behalf of the petitioners. I have therefore, heard the learned Public Prosecutor ex-parte and have perused the impugned-order as well as memo of petition.

4) I do not find any cogent and valid reason to interfere in the aforesaid order in exercise of the inherent powers of this Court u/S.482 Cr.P.C. which, as per the settled law, are to be and ought to be exercised very sparingly and with circumspection to prevent the abuse of the process of the court or to secure the ends of justice. As no such case has been made out, this petition deserves to be dismissed.

5) Since there is neither any stay nor the record of the court below has been summoned, the case, in all probability might have been disposed of by now.

Consequently, this petition u/S.482 Cr.P.C. is hereby dismissed.

(HARBANS LAL), J.

anil

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR.

ORDER

Suresh Modi and ors. Vs. State

S.B.CR.MISC.STAY APPLICATION NO.1443/2005
IN
SB CRIMINAL MISC.PETITION NO.1203/2005
Under Section 482 Cr.P.C.

Date of Order: 15/11/2006.

PRESENT
HON'BLE MR.JUSTICE HARBANS LAL

None present for the petitioners.
Mr. Arun Sharma P.P. for the State.

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BY THE COURT:-

This stay application u/S.482 Cr.P.C. is disposed of in view of the dismissal of the main petition today.

(HARBANS LAL), J.

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